

AMENDED IN ASSEMBLY MAY 13, 2013

AMENDED IN ASSEMBLY APRIL 16, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 501

Introduced by Assembly Member Nazarian

February 20, 2013

An act to amend Section 25250.51 of the Health and Safety Code, to amend Section 42950 of the Public Resources Code, *and* to amend Sections 21100 and 34601 of, and to repeal Section 27314.5 of, the Vehicle Code, ~~and to amend Section 10952 of the Water Code~~, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 501, as amended, Nazarian. Vehicles.

(1) Existing law prohibits the sale of motor brake friction materials containing specified constituents in excess of specified concentrations. Existing law, however, until December 31, 2023, permits motor vehicle manufacturers and distributors, wholesalers, or retailers to sell brake friction materials that are not certified as compliant with that provision solely for the purpose of depletion of inventories.

This bill would additionally permit motor vehicle dealers to continue to sell or offer for sale brake friction material not certified as compliant, as specified, if the brake friction material was installed before the vehicle was acquired by the dealer.

(2) Existing law defines tire broker to mean a person that arranges for the shipment of used or waste tires to or from a site located within the state, or through the state, as defined. Existing law requires a tire broker to submit periodic information to the department on the used or

waste tires arranged to be shipped to the tire broker to, from, or through the state.

This bill would exclude from the definition of a tire broker a tire retailer primarily engaged in the retail sale, service, and installation of tires on customer vehicles, or a vehicle dealer, as defined.

(3) Existing law authorizes local authorities to adopt rules and regulations regarding regulating advertising signs on motor vehicles parked or left standing on a public street as well as minimum distances that the advertising sign must be moved after a specified time period. Existing law exempts from local rules and regulations a license plate frame containing paper advertisements issued by a dealer within the license plate frame or any advertisement on that license plate frame if the license plate frame does not obstruct or impair the reading or recognition of a license plate by an electronic device operated, as specified, or a remote emission sensing device, as specified.

This bill would additionally exempt from local rules and regulations a license plate bracket containing any advertisement issued by a dealer if the license plate bracket is installed as specified.

(4) Existing law requires a dealer, selling or offering for sale any specified used passenger vehicle, except as otherwise provided, to affix a specified notice on the window of the left front door or as specified, and another specified notice on one rear seat lap belt buckle at all times the vehicle is offered for sale and in a specified manner.

This bill would delete that requirement.

(5) Existing law excludes from the definition of commercial motor vehicle, for purposes of certain provisions, specified trucks and truck tractors with a gross vehicle weight rating of less than 26,001 pounds, when used solely to tow specified trailers. Existing law prohibits a motor carrier of property from operating a commercial motor vehicle on any public highway in this state, unless it has, among other things, registered with the department its carrier identification number, as specified, and holds a valid motor carrier permit issued to that motor carrier by the department.

This bill would additionally exclude from the definition of commercial motor vehicle specified trucks and truck tractors, with a gross vehicle rating of less than 26,0001 pounds, operated solely to tow specified trailers, including trailers designed to transport watercraft. This bill would also exclude from the definition of commercial motor vehicle specified truck and truck tractors, with a gross vehicle weight rating of less than 16,001 pounds, operated singly in noncommercial use.

~~(6) Existing law requires the State Water Resources Control Board to take appropriate actions to prevent waste or the unreasonable use of water and to make determinations with regard to the availability of recycled water. Existing law requires an in-bay car wash or a conveyor car wash permitted and constructed after January 1, 2014, to either install, use and maintain a water recycling system or to use recycled water provided by a water supplier, as specified. Existing law exempts a self-service car wash from complying with the former provision.~~

~~This bill would additionally exempt a business primarily engaged as a dealer, lessor, or renter, as each is defined, and a business primarily engaged as an automotive repair dealer, as defined, from complying with that former provision, thereby exempting those specified businesses from installing, using, and maintaining a water recycling system that recycles and reuses at least 60% of the wash and rinse water or from using recycled water provided by a water supplier for at least 60% of its wash and rinse water.~~

~~(7)~~

~~(6) This bill would make other technical, nonsubstantive, conforming, and clarifying changes.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.~~

The people of the State of California do enact as follows:

1 SECTION 1. Section 25250.51 of the Health and Safety Code
2 is amended to read:
3 25250.51. (a) On and after January 1, 2014, any motor vehicle
4 brake friction materials containing any of the following constituents
5 in an amount that exceeds the following concentrations shall not
6 be sold in this state:
7 (1) Cadmium and its compounds: 0.01 percent by weight.
8 (2) Chromium (VI)-salts: 0.1 percent by weight.
9 (3) Lead and its compounds: 0.1 percent by weight.
10 (4) Mercury and its compounds: 0.1 percent by weight.
11 (5) Asbestiform fibers: 0.1 percent by weight.
12 (b) Motor vehicle manufacturers and distributors, wholesalers,
13 or retailers of replacement brake friction materials may continue
14 to sell or offer for sale brake friction materials not certified as
15 compliant with subdivision (a) solely for the purpose of depletion
16 of inventories until December 31, 2023.

(c) Notwithstanding subdivision (b), motor vehicle dealers may continue to sell or offer for sale brake friction material not certified as compliant with subdivision (a) if the brake friction material was installed on a vehicle before the vehicle was acquired by the dealer.

SEC. 2. Section 42950 of the Public Resources Code is amended to read:

42950. For purposes of this chapter, the following definitions apply:

(a) “Agricultural purposes” means the use of waste tires as bumpers on agricultural equipment or as a ballast to maintain covers or structures at an agricultural site.

(b) (1) “Altered waste tire” means a waste tire that has been baled, shredded, chopped, or split apart. “Altered waste tire” does not mean crumb rubber.

(2) “Alteration” or “altering,” with reference to a waste tire, means an action that produces an altered waste tire.

(c) “Applicant” means a person seeking to register as a waste tire hauler.

(d) “Baled tire” means either a whole or an altered tire that has been compressed and then secured with a binding material for the purpose of reducing its volume.

(e) “Common carrier” means a “common carrier,” as defined in Section 211 of the Public Utilities Code.

(f) “Crumb rubber” means rubber granules derived from a waste tire that are less than or one-quarter inch or six millimeters in size.

(g) “Repairable tire” means a worn, damaged, or defective tire that is retreadable, recappable, or regrooveable, or that can be otherwise repaired to return the tire to use as a vehicle tire, and that meets the applicable requirements of the Vehicle Code and Title 13 of the California Code of Regulations.

(h) “Scrap tire” means a worn, damaged, or defective tire that is not a repairable tire.

(i) “Tire broker” means a person that arranges for the shipment of used or waste tires to or from a site located within the state, or through the state, as that term may be further defined by the department by regulation. “Tire broker” does not include a tire retailer primarily engaged in the retail sale, service, and installation of tires on customer vehicles, or a vehicle dealer, as defined in Section 285 of the Vehicle Code.

1 (j) “Tire derived product” means material that meets both of
2 the following requirements:

3 (1) Is derived from a process using waste tires or waste tire
4 equivalents as a feedstock. A process using waste tires or waste
5 tire equivalents includes, but is not limited to, shredding, crumbing,
6 or chipping.

7 (2) Has been sold and removed from the processing facility.

8 (k) “Used tire” means a tire that meets both of the following
9 requirements:

10 (1) The tire is no longer mounted on a vehicle but is still suitable
11 for use as a vehicle tire.

12 (2) The tire meets the applicable requirements of the Vehicle
13 Code and of Title 13 of the California Code of Regulations.

14 (l) “Waste tire” means a tire that is no longer mounted on a
15 vehicle and is no longer suitable for use as a vehicle tire due to
16 wear, damage, or deviation from the manufacturer’s original
17 specifications. A waste tire includes a repairable tire, scrap tire,
18 and altered waste tire, but does not include a tire derived product,
19 crumb rubber, or a used tire.

20 (m) “Waste tire generator” or “waste tire generating business”
21 means a person as defined by Section 40170 whose act or process
22 produces waste tires as defined in Section 42807, causes a waste
23 tire hauler to transport those waste tires, or otherwise causes waste
24 tires to become subject to regulation. “Waste tire generator” or
25 “waste tire generating business” does not include a person who
26 transports 10 or fewer waste tires at any one time.

27 SEC. 3. Section 21100 of the Vehicle Code is amended to read:
28 21100. Local authorities may adopt rules and regulations by
29 ordinance or resolution regarding all of the following matters:

30 (a) Regulating or prohibiting processions or assemblages on the
31 highways.

32 (b) Licensing and regulating the operation of vehicles for hire
33 and drivers of passenger vehicles for hire.

34 (c) Regulating traffic by means of traffic officers.

35 (d) Regulating traffic by means of official traffic control devices
36 meeting the requirements of Section 21400.

37 (e) (1) Regulating traffic by means of a person given temporary
38 or permanent appointment for that duty by the local authority when
39 official traffic control devices are disabled or otherwise inoperable,

1 at the scenes of accidents or disasters, or at locations as may require
2 traffic direction for orderly traffic flow.

3 (2) A person shall not be appointed pursuant to this subdivision
4 unless and until the local authority has submitted to the
5 commissioner or to the chief law enforcement officer exercising
6 jurisdiction in the enforcement of traffic laws within the area in
7 which the person is to perform the duty, for review, a proposed
8 program of instruction for the training of a person for that duty,
9 and unless and until the commissioner or other chief law
10 enforcement officer approves the proposed program. The
11 commissioner or other chief law enforcement officer shall approve
12 a proposed program if he or she reasonably determines that the
13 program will provide sufficient training for persons assigned to
14 perform the duty described in this subdivision.

15 (f) Regulating traffic at the site of road or street construction or
16 maintenance by persons authorized for that duty by the local
17 authority.

18 (g) (1) Licensing and regulating the operation of tow truck
19 service or tow truck drivers whose principal place of business or
20 employment is within the jurisdiction of the local authority,
21 excepting the operation and operators of any auto dismantlers' tow
22 vehicle licensed under Section 11505 or any tow truck operated
23 by a repossessing agency licensed under Chapter 11 (commencing
24 with Section 7500) of Division 3 of the Business and Professions
25 Code and its registered employees.

26 (2) The Legislature finds that the safety and welfare of the
27 general public is promoted by permitting local authorities to
28 regulate tow truck service companies and operators by requiring
29 licensure, insurance, and proper training in the safe operation of
30 towing equipment, thereby ensuring against towing mistakes that
31 may lead to violent confrontation, stranding motorists in dangerous
32 situations, impeding the expedited vehicle recovery, and wasting
33 state and local law enforcement's limited resources.

34 (3) This subdivision does not limit the authority of a city or city
35 and county pursuant to Section 12111.

36 (h) Operation of bicycles, and, as specified in Section 21114.5,
37 electric carts by physically disabled persons, or persons 50 years
38 of age or older, on the public sidewalks.

39 (i) Providing for the appointment of nonstudent school crossing
40 guards for the protection of persons who are crossing a street or

1 highway in the vicinity of a school or while returning thereafter
2 to a place of safety.

3 (j) Regulating the methods of deposit of garbage and refuse in
4 streets and highways for collection by the local authority or by
5 any person authorized by the local authority.

6 (k) (1) Regulating cruising.

7 (2) The ordinance or resolution adopted pursuant to this
8 subdivision shall regulate cruising, which is the repetitive driving
9 of a motor vehicle past a traffic control point in traffic that is
10 congested at or near the traffic control point, as determined by the
11 ranking peace officer on duty within the affected area, within a
12 specified time period and after the vehicle operator has been given
13 an adequate written notice that further driving past the control
14 point will be a violation of the ordinance or resolution.

15 (3) A person is not in violation of an ordinance or resolution
16 adopted pursuant to this subdivision unless both of the following
17 apply:

18 (A) That person has been given the written notice on a previous
19 driving trip past the control point and then again passes the control
20 point in that same time interval.

21 (B) The beginning and end of the portion of the street subject
22 to cruising controls are clearly identified by signs that briefly and
23 clearly state the appropriate provisions of this subdivision and the
24 local ordinance or resolution on cruising.

25 (l) Regulating or authorizing the removal by peace officers of
26 vehicles unlawfully parked in a fire lane, as described in Section
27 22500.1, on private property. A removal pursuant to this
28 subdivision shall be consistent, to the extent possible, with the
29 procedures for removal and storage set forth in Chapter 10
30 (commencing with Section 22650).

31 (m) Regulating mobile billboard advertising displays, as defined
32 in Section 395.5, including the establishment of penalties, which
33 may include, but are not limited to, removal of the mobile billboard
34 advertising display and misdemeanor criminal penalties, for a
35 violation of the ordinance or resolution. The ordinance or resolution
36 may establish a minimum distance that a mobile billboard
37 advertising display shall be moved after a specified time period.

38 (n) Licensing and regulating the operation of pedicabs for hire,
39 as defined in Section 467.5, and operators of pedicabs for hire,
40 including requiring one or more of the following documents:

1 (1) A valid California driver's license.

2 (2) Proof of successful completion of a bicycle safety training
3 course certified by the League of American Bicyclists or an
4 equivalent organization as determined by the local authority.

5 (3) A valid California identification card and proof of successful
6 completion of the written portion of the California driver's license
7 examination administered by the department. The department shall
8 administer, without charging a fee, the original driver's license
9 written examination on traffic laws and signs to a person who
10 states that he or she is, or intends to become, a pedicab operator,
11 and who holds a valid California identification card or has
12 successfully completed an application for a California identification
13 card. If the person achieves a passing score on the examination,
14 the department shall issue a certificate of successful completion
15 of the examination, bearing the person's name and identification
16 card number. The certificate shall not serve in lieu of successful
17 completion of the required examination administered as part of
18 any subsequent application for a driver's license. The department
19 is not required to enter the results of the examination into the
20 computerized record of the person's identification card or otherwise
21 retain a record of the examination or results.

22 (o) (1) This section does not authorize a local authority to enact
23 or enforce an ordinance or resolution that establishes a violation
24 if a violation for the same or similar conduct is provided in this
25 code, nor does it authorize a local authority to enact or enforce an
26 ordinance or resolution that assesses a fine, penalty, assessment,
27 or fee for a violation if a fine, penalty, assessment, or fee for a
28 violation involving the same or similar conduct is provided in this
29 code.

30 (2) This section does not preclude a local authority from enacting
31 parking ordinances pursuant to existing authority in Chapter 9
32 (commencing with Section 22500) of Division 11.

33 (p) (1) Regulating advertising signs on motor vehicles parked
34 or left standing upon a public street. The ordinance or resolution
35 may establish a minimum distance that the advertising sign shall
36 be moved after a specified time period.

37 (2) Paragraph (1) does not apply to any of the following:

38 (A) Advertising signs that are permanently affixed to the body
39 of, an integral part of, or a fixture of a motor vehicle for permanent

1 decoration, identification, or display and that do not extend beyond
2 the overall length, width, or height of the vehicle.

3 (B) If the license plate frame is installed in compliance with
4 Section 5201, paper advertisements issued by a dealer contained
5 within that license plate frame or any advertisements on that license
6 plate frame.

7 (C) If the license plate brackets are installed in accordance with
8 Section 11713.17, any advertisements issued by a dealer on the
9 license plate brackets.

10 (3) As used in paragraph (2), “permanently affixed” means any
11 of the following:

12 (A) Painted directly on the body of a motor vehicle.

13 (B) Applied as a decal on the body of a motor vehicle.

14 (C) Placed in a location on the body of a motor vehicle that was
15 specifically designed by a vehicle manufacturer as defined in
16 Section 672 and licensed pursuant to Section 11701, in compliance
17 with both state and federal law or guidelines, for the express
18 purpose of containing an advertising sign.

19 SEC. 4. Section 27314.5 of the Vehicle Code is repealed.

20 SEC. 5. Section 34601 of the Vehicle Code is amended to read:

21 34601. (a) As used in this division, “motor carrier of property”
22 means any person who operates any commercial motor vehicle as
23 defined in subdivision (c). “Motor carrier of property” does not
24 include a household goods carrier, as defined in Section 5109 of
25 the Public Utilities Code, a household goods carrier transporting
26 used office, store, and institution furniture and fixtures under its
27 household goods carrier permit pursuant to Section 5137 of the
28 Public Utilities Code, persons providing only transportation of
29 passengers, or a passenger stage corporation transporting baggage
30 and express upon a passenger vehicle incidental to the
31 transportation of passengers.

32 (b) As used in this division, “for-hire motor carrier of property”
33 means a motor carrier of property as defined in subdivision (a)
34 who transports property for compensation.

35 (c) (1) As used in this division, except as provided in paragraph
36 (2), a “commercial motor vehicle” means any self-propelled vehicle
37 listed in subdivisions (a), (b), (f), (g), and (k) of Section 34500,
38 any motortruck of two or more axles that is more than 10,000
39 pounds gross vehicle weight rating, and any other motor vehicle
40 used to transport property for compensation.

(2) As used in this division, “commercial motor vehicle” does not include any of the following:

(A) Vehicles identified in subdivision (f) of Section 34500, if the gross vehicle weight rating of the towing vehicle is 10,000 pounds or less.

(B) Vehicles identified in subdivision (g) of Section 34500, if the hazardous material transportation does not require the display of placards under Section 27903, a license under Section 32000.5, or a hazardous waste transporter registration under Section 25163 of the Health and Safety Code, and the vehicle is not operated in commercial use.

(C) Vehicles operated by a household goods carrier, as defined in Section 5109 of the Public Utilities Code, under the household goods carrier permit pursuant to Section 5137 of that code.

(D) Vehicles operated by a household goods carrier to transport used office, store, and institution furniture and fixtures under its household goods carrier permit pursuant to Section 5137 of the Public Utilities Code.

(E) Pickup trucks as defined in Section 471, if the conditions in subparagraphs (A) and (B) are also met.

(F) Two-axle daily rental trucks with a gross vehicle weight rating of less than 26,001 pounds, when operated in noncommercial use.

(G) Motortrucks or two-axle truck tractors, with a gross vehicle weight rating of less than 26,001 pounds, operated solely to tow a camp trailer, trailer coach, fifth-wheel travel trailer, trailer designed to transport watercraft, or utility trailer. Vehicle combinations described in this subparagraph are not subject to Section 27900, 34501.12, or 34507.5.

(H) ~~Motor trucks~~ *Motortrucks* or two-axle truck tractors, with a gross vehicle weight rating of less than 16,001 pounds, operated singly in noncommercial use.

(d) For purposes of this chapter, “private carrier” means a motor carrier of property, who transports only his or her own property, including, but not limited to, the delivery of goods sold by that carrier.

~~SEC. 6. Section 10952 of the Water Code is amended to read:~~

~~10952. This part shall not apply to any of the following:~~

~~(a) A self-service car wash.~~

- 1 ~~(b) A business primarily engaged as a dealer, lessor, or renter~~
2 ~~as defined in Division 1 (commencing with Section 100) of the~~
3 ~~Vehicle Code.~~
4 ~~(c) A business primarily engaged as an automotive repair dealer,~~
5 ~~as defined in subdivision (a) of Section 9880.1 of the Business and~~
6 ~~Professions Code.~~

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